G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

191 .

(Sep. Rev)

(5)

File No. 49-92

Serial Nos. 2 and 3

B

Papers Filed.

Month Dec 92

SUBJECT.

Sale of Arrack and Toddy Vend Farms.

Endorsed
B Hamilton Rao

PREVIOUS REFERENCES.	LATER REFERENCES.
Countermanded by B Nagaraja Rao 5/9/14	

(General Serial No. 30.)

SECTION S. R.

FILE No. LD-92 From The Excise Commissioner in Mysore

SERIAL No. 2

189

9 DEC 9 R 1564 (1)

To

The Chief Secretary to the Dewan of Mysore.

Dated 6th December 1892.

Despatched 8

Received

Enclosures No. 2

General No. 3886

No. 1270

In reply to 13/12/92

SUBJECT.

Submits for approval and publication in the Mysore Gazette draft Notification for the sale of toddy farms for April, May and June 1893

Rev. Acct Branch 9/12/92

References (to be entered only in the Dewan's Office).

Rec'd 9/12

No. 3086/170 (Encls: 2)

Excise Commissioner's Office
Bangalore, dated, 8th December 1892.

(1)

From

The Excise Commissioner
in Mysore.

To

The Chief Secretary
to the Dewan of Mysore.

Sir,

In continuation of this office No. 298/15 dated 1st December 1892, I have the honour to forward, herewith, for approval and publication in the Gazette, draft Notification for the sale of Toddy farms for April, May and June 1893, viz the remaining portion of the current official year.

I have the honour to be
Sir,
Your most Obedient Servant

S. Thiketts
Excise Commissioner
in Mysore.

Enclosure to 892

3

1/a

THE MYSORE GAZETTE.

EXTRAORDINARY.

Published by Authority.

BANGALORE, SUNDAY, FEBRUARY 28, 1892.

Notification by the Govt. of His Highness the Maharaja of Mysore.

GENERAL.

NOTIFICATION.

No. ~~458~~, *dated* ~~22nd February~~ 1892.

1. It is hereby notified by the Government of His Highness the Maharaja of Mysore that the exclusive privilege of selling ~~country spirits~~ in the ~~defined tracts~~ specified in the subjoined schedule, for the ~~official year beginning 1st April 1892 and ending 31st March 1893~~, will be sold by the respective Deputy Commissioners or by Assistant Commissioners specially authorized by the Deputy Commissioners, for the purpose, on the dates and at the places specified in the said schedule, subject to the conditions hereinafter set forth. If the sales are not completed on those days, they will be continued on the next following days. Should there be no bids for any of the aforesaid ~~tracts~~ farms singly, the officer conducting the sale, may revise the ~~tracts~~ farms at discretion, clubbing together more than one ~~tract~~ farm, or selling the ~~tracts~~ farms by taluks, ~~or if necessary, reserving special tracts in which there may at present be no shops, for disposal afterwards.~~

Various farms

toddy

remaining three months of the current official year, viz. April, May and June 1893,

2. The exclusive privilege above described will be put up to auction at the upset prices mentioned in the aforesaid schedule, and will be knocked down to the approved highest bidder above those prices, subject to the formal confirmation by the Deputy Commissioner who will be at liberty to accept or reject the bid at ~~his~~ discretion. Such formal confirmation will be tantamount to an acceptance of the bid. Should there be no bid above the upset price, the officer conducting the sale, may lower the upset price at ~~his~~ discretion.

3. Parties intending to bid must attend either in person or by duly authorized agents, and no person will be permitted to bid either on his own behalf or on account of any one else until he has deposited Rs. ~~200~~ 25 or such other reasonable amount as may be fixed by the Officer conducting the sale. The deposits made by the unsuccessful bid-

ders and not forfeited as hereinafter provided, will be returned at the close of the sale. The successful bidder must, on the exclusive privilege being knocked down to him, and before the next farm is put up for sale, deposit a sum equal to one-twentieth of the amount of his bid, and within fifteen days of the confirmation of the sale having been notified to him by the Deputy Commissioner in writing, he must deposit such further sum as, with the former deposit, will make up an aggregate sum equal to ~~two~~ half months' rent, and if he fails to do so, the deposits already made will be forfeited, and the exclusive privilege will be immediately resold or otherwise disposed of as the Deputy Commissioner may direct.

4. Resales effected under para 3 will be at the risk of the defaulting bidder who will forfeit all gain, and in the event of a loss by the resale, will make good the deficiency between the total amount payable by him for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the resale In the latter case, the forfeited deposit will be deducted from the loss arising from the resale; and the remainder, if any, will be recovered from the bidder in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposit be greater than the loss by resale, the whole of such deposit will be credited to Government.

5. The purchaser of the exclusive privilege shall sign an agreement binding himself to observe the conditions hereinafter set forth, and the agreement shall be executed within ten days of the expiry of the period of fifteen days above mentioned. If the purchaser fails or refuses to sign the agreement, all deposits already made will be forfeited; and the exclusive privilege will be resold at the risk and loss of the first purchaser as set forth in paras 3 and 4, or be otherwise disposed of. In the case of the purchaser's death after the confirmation of the sale, it will be binding on his heirs or assigns.

6. ~~The existing shops in each farm are specified in Appendix D.~~ A list of existing shops in each farm, and the groves assigned to each farm, will be shown at the time of sale.

7. As soon as the agreement has been executed, the Deputy Commissioner will issue a license in the ~~appended Form A,~~ prescribed form assigning to the purchaser the exclusive privilege referred to therein, subject to the following conditions :—

(1.) The exclusive privilege shall extend only to the sale of ~~country spirits~~ late Toddy ordinarily of 20° under proof, and with the special permission and passes of the Deputy Commissioner or other officer authorized by him, to the sale of double distilled spirits and "Milk punch" in bottles duly corked and labelled in the Central Distillery.

(2.) The amount for which the privilege has been purchased, shall be payable into the local Government Treasuries on printed chellans furnished for the purpose by Government, in equal monthly instalments commencing from April 1892, each instalment shall be regarded as the rent for the month in respect of which it is payable. Each month's rent shall be payable on the 15th of the month following.

(3.) The deposit ~~of two months' rent~~ made by the licensee will be taken in payment of the rents due for the last ~~two~~ months of the period of the farm. Failing payment of each monthly rent by the 15th of the next month, the Deputy Commissioner will recover the same under the rules in force for the recovery of land revenue, together with interest at 6 per cent per annum. No remission or abatement of the rent, shall, on any account whatever, be claimable by the licensee.

(4.) (a) The licensee shall purchase the spirits for issue to his shops from Messrs. Parry and Co., who have been appointed Distillers for the manufacture of country spirits for the State, or from any Bonded Ware-house established under the sanction of Government. The rate to be charged by such distiller for spirits supplied by him shall be 10½ annas per gallon of 20° under proof, and proportionate rates for higher or lower strengths in accordance with Cassella's rules. The spirits shall be sold to the public at Rs. 5—3—0 per gallon of 20° under proof, and at proportionate rates for higher or lower strengths.

The toddy shall be sold to the public at the rates prescribed by Government.

(*b*) The above rate is in addition to excise duty which shall be prepaid into the local Government Treasury, as per condition (6), at the rates specified in the subjoined schedule, before the removal of the spirits from the Distillery, or from any Bonded Ware-house established under the sanction of Government.

(5.) The licensee shall pay the above duty into the local Taluk Treasury and obtain a receipt in the prescribed form. On production of such receipt and an indent for the supply of the liquor covered by the receipt, and on payment of the prescribed price of such liquor to the distiller or his agent, or any person appointed by Government on this behalf, the Assistant Supervisor or other officer in charge of the Distillery or Ware-house shall issue the quantity of liquor equal to the amount of duty shown in the Treasury Officer's receipt which will be forwarded to the Excise Commissioner's Office under the endorsement of the Assistant Supervisor or other officer aforesaid as to the date and hour when the liquor was issued. The Assistant Supervisor or other officer aforesaid shall issue a pass in duplicate in the prescribed form under the rules in force for the transport of the liquor from the Distillery or Warehouse. The licensee who obtains liquor from a Bonded Warehouse, shall pay both the price of liquor and duty into the local Taluk Treasury.

(6.) The licensee shall maintain at a place or places within his farm, where it may be considered necessary by him and the Deputy Commissioner, a Depôt or Depôts to which all spirits purchased by him, shall be conveyed in the first instance for verification, &c., of the consignment under the rules in force, before issue to the shop-keepers. The Depôts shall at all times be open to inspection by the Deputy Commissioner or any officer of the Excise Department. No such Depôt shall be opened without a license from the Deputy Commissioner in the prescribed Form B. hereto appended.

5 (7.) The ~~spirits~~ toddy pure as drawn from trees, shall be sold ~~as issued from the Distillery or Ware-house,~~ and shall not be adulterated or diluted in any manner in the shops, or depôts if any.

6 (8.) The licensee shall keep true accounts of the quantity ~~and strength of the spirits purchased by him and~~ of toddy received and issued to shop-keepers. The passes issued with the liquor ~~purchased by him~~, shall be subject to examination and check ~~under the Rahadari rules in force or which may be issued by Government hereafter~~ by the officers authorized on his behalf.

7 (9.) The ~~spirits~~ toddy shall not be sold except in shops duly licensed by the Deputy Commissioner in the prescribed form, and no new shops shall be opened without the previous sanction of the Excise Commissioner.

8 (10.) The Deputy Commissioner may, whenever he thinks fit, direct any shops to be closed, or permit transfers of shops from one place to another.

9 (11.) The licensee shall not, during the term of the license, have any interest in the exclusive privilege of vending ~~toddy~~ arrack in any part of the farm to which the license relates, nor permit any person having interest in the exclusive privilege of vending ~~toddy~~ arrack in any part of the farm, to hold any share or interest in his exclusive privilege of selling ~~country spirits~~ toddy; nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest direct or indirect, in any ~~arrack~~ toddy farm in any Districts of the Madras or Bombay Presidency under the British Government or in any other Foreign State or Territory.

(12.) The licensee shall be bound to take over any arrack which may remain as stock in hand on the 1st April 1892 in the existing wholesale Depôt in his farm, paying to the old contractors such compensation for the same as may be fixed by the Excise Commissioner.

10 (13.) The licensee shall be bound by the provisions of the excise laws and rules in force or by any additional rules which may from time to time be prescribed

under the excise laws. The licensee shall use such measures as may from time to time be prescribed by Government and provide himself with permit books for the transport of toddy, which books may be purchased from the officers

(14.) This ~~contract~~ lease shall not be transferable except with the permission of Government.

(15.) The remaining terms and conditions shall be as set forth in the ~~shop~~ prescribed license, ~~Appendix C~~.

8. In case of any breach of the aforesaid conditions or of the license either by the licensee, or with his connivance or privity by any person in his employment, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding the sum of Rs. 50 for every such breach of such conditions, or at the option of the Deputy Commissioner to declare the money deposited with him forfeited, and to cancel the license and resell the exclusive privilege at the risk of the licensee, or to place the farm under the management of Government ; and all loss thereby caused should be made good by the licensee. When a lease is cancelled, the rent for the whole period of the lease shall become due at once. All the amounts of such penalties and loss shall be recovered in the same manner as if they were the arrears of Land Revenue.

9. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding condition, shall not be held to prevent the prosecution of the licensee or his agents or employés for any offence punishable under the Excise Laws for the time being in force.

10. For the convenience of the farms which are far away from the Government Central Distillery, Bangalore, Bonded Warehouses are proposed to be established at the following places, namely, Bowringpet, Tumkur, Mysore, Arsikere, Kadur and Holalkere ; and any future alterations of localities of such Bonded Werehouses will from time to time be duly notified.

"By Order,"

T. ANANDA ROW,

Chief Secretary.

SECTION S.R. Read :—

FILE No. 49-92 Excise

SERIAL No. D. 3086 / 170

(2)

Commr's letter No. dated 6th December 1892 submitting for approval and publication in the Mysore Gazette draft Notification for the sale of Toddy farms for the 3 months ending 30th June 1893.

No. 8217 dt. 13-12-92
R.F. 207-92 / 13
In already sent

Order thereon :—

For reasons stated in para 1 of Govt Proc^s No. 8218 / R.F. 208-92 dated 13th December 1892, the period of sale of the Toddy farms has been altered from 3 to 15 months ending 30th June 1894 ~~the Notification altered~~

Draft

BB

Chief Secretary.

To The Excise Commr
in Mysore.
returning the Schedule for correction
& resubmission.

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No.

General No.
No.

References to be marked.